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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/784,889	02/16/2001	Richard Joseph Bennett	QDI-107US	5194

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EXAMINER

NAJARIAN, LENA

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/784,889

Applicant(s)

BENNETT ET AL.

Examiner

Lena Najarian

Art Unit

3626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20020111</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:
It does not identify the citizenship of each inventor.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: item 26 (Fig. 1). Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference character(s) mentioned in the description: items 72-108 (pages 14-15), items 110-134 (pages 17-18), and

Art Unit: 3626

items 140-154 (page 18). Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 2-7, 11-13, 16-18, 29-32, 36-38, 41, 53, 55, and 62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 2-7, 11-13, 16-18, 29-32, 36-38, 41, 53, 55, and 62 recite the limitations for which there is no antecedent basis in the claims. In particular, the following passages lack or have vague antecedent basis:

(i) " the identified diagnosis": claim 2, line 3

claim 4, lines 2 & 3

claim 7, lines 3-4

Art Unit: 3626

claim 11, lines 3-4

claim 13, line 3

claim 17, line 2

claim 29, lines 2-4

claim 30, line 4

claim 32, line 4

claim 36, line 4

claim 38, line 4

claim 41, line 2

claim 62, line 5

(ii) Claims 3, 5, and 6 incorporate the deficiencies of claim 2, through dependency, and are also rejected.

(iii) Claim 12 incorporates the deficiencies of claim 11, through dependency, and is also rejected.

(iv) Claim 18 incorporates the deficiencies of claim 17, through dependency, and is also rejected.

(v) Claim 31 incorporates the deficiencies of claim 30, through dependency, and is also rejected.

(vi) Claim 37 incorporates the deficiencies of claim 36, through dependency, and is also rejected.

(vii) "the client": claim 6, line 2

claim 12, line 2

claim 16, line 3

claim 18, lines 2-3

claim 37, line 3

claim 53, line 3

claim 55, line 3.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Schurenberg et al. (US-2001/0051880 A1).

(A) Referring to claim 1, Schurenberg discloses in a computer network including a client computer and a central computer, a method of receiving an order of a laboratory test of a biological specimen for a patient comprising (abstract, Fig. 2, and para. 37 of Schurenberg):

a step for receiving at the central computer a laboratory test request from the client computer and patient, billing, and diagnosis information corresponding to the requested laboratory test (abstract of Schurenberg); and

Art Unit: 3626

a step for transmitting to the client computer information for generating a test requisition and a label for use with the biological specimen (para. 4, lines 12-16 and para. 55 of Schurenberg).

(B) Referring to claim 2, Schurenberg discloses a step for verifying at the central computer that the requested laboratory test is payable by a responsible party identified in the billing information for the identified diagnosis (para. 623 & para. 404 of Schurenberg; the Examiner interprets "guarantor" to be a form of "responsible party").

(C) Referring to claim 3, Schurenberg discloses said receiving step comprising a step for receiving a diagnosis code and a laboratory test code, said verifying step comprising a step for searching a code database for correspondence between the diagnosis code and the laboratory test code (para. 20, para. 204, and para. 206 of Schurenberg).

(D) Referring to claim 4, Schurenberg discloses said verifying step comprising a step for determining for the identified diagnosis and the requested laboratory test whether a maximum number of tests has been exceeded for the identified diagnosis (see table at bottom of page 25 of Schurenberg).

(E) Referring to claim 5, Schurenberg discloses comprising a step for transmitting a notification to the client computer if the requested laboratory test is not payable by the identified responsible party for the identified diagnosis (para. 173 of Schurenberg).

(F) Referring to claim 6, Schurenberg discloses further comprising a step for requesting a payment guarantee from the client in response to the notification

Art Unit: 3626

(para. 404 of Schurenberg; the Examiner interprets “enter guarantor information” to be a form of “requesting a payment guarantee”).

(G) Referring to claim 7, Schurenberg discloses further comprising a step for transmitting a request for additional diagnosis information to the client computer if the requested laboratory test is not payable by the identified responsible party for the identified diagnosis (para. 173 of Schurenberg; the Examiner interprets “prompts the user to answer questions” to be a form of “a request for additional diagnosis information”).

(H) Referring to claim 8, Schurenberg discloses further comprising a step for transmitting a request for additional information if ask-at-order entry questions are required for the requested laboratory test (para. 127 of Schurenberg).

(I) Referring to claim 9, Schurenberg discloses said receiving step comprising:

a step for receiving a patient identification at the central computer from the client computer, thereby obtaining information about the patient for whom the test is being ordered (para. 38 of Schurenberg);

a step for receiving billing information at the central computer from the client computer, thereby obtaining information about a party responsible for payment of the test being ordered for the identified patient (para. 19 of Schurenberg); and

a step for receiving a patient diagnosis at the central computer from the client computer, thereby obtaining at least one diagnosis for the identified patient (para. 20 of Schurenberg).

Art Unit: 3626

(J) Referring to claim 10, Schurenberg discloses in a computer network including a client computer and a central computer, a method of ordering a laboratory test of a biological specimen for a patient comprising:

a step for transmitting to the central computer a laboratory test request from the client computer and patient, billing, and diagnosis information corresponding to the requested laboratory test (abstract of Schurenberg); and

a step for receiving from the central computer information for generating a test requisition and a label for use with the biological specimen (para. 55 & para 507 of Schurenberg; the Examiner interprets "add...lab test requisitions" to be a form of "generating a test requisition").

(K) Referring to claim 11, Schurenberg discloses further comprising a step for receiving a notification from the central computer if the requested laboratory test is not payable by a responsible party identified in the billing information for the identified diagnosis (para. 173 of Schurenberg).

(L) Referring to claim 12, Schurenberg discloses further comprising a step for guaranteeing payment by the client in response to the notification (para. 404 of Schurenberg)

(M) Referring to claim 13, Schurenberg discloses further comprising a step for transmitting additional diagnosis information to the central computer if the requested laboratory test is not payable by the identified responsible party for the identified diagnosis (para. 173 of Schurenberg).

(N) Referring to claim 14, Schurenberg discloses further comprising a step for transmitting additional information to the central computer if ask-at-order-entry

Art Unit: 3626

questions are required for the requested laboratory test (para. 127 of Schurenberg).

(O) Referring to claim 15, Schurenberg discloses said transmitting step comprising a step for selecting a laboratory test code corresponding to the requested laboratory test from a menu of laboratory test codes (para. 204 of Schurenberg).

(P) Referring to claim 16, Schurenberg discloses further comprising a step for customizing the menu of laboratory test codes to include laboratory test codes commonly used by the client (para. 205 of Schurenberg; the Examiner interprets “create” to be a form of “customizing”).

(Q) Referring to claim 17, Schurenberg discloses said transmitting step comprising a step for selecting a diagnosis code corresponding to the identified diagnosis from a menu of diagnosis codes (para. 206 of Schurenberg; the Examiner interprets “ICD-9 code” to be a form of “diagnosis code”).

(R) Referring to claim 18, Schurenberg discloses further comprising a step for customizing the menu of diagnosis codes to include diagnosis codes commonly used by the client (para. 206 of Schurenberg; the Examiner interprets “add ICD-9 codes” to be a form of “customizing the menu”).

(S) Referring to claim 19, Schurenberg discloses said transmitting step comprising:

a step for transmitting a patient identification from the central computer to the client computer, thereby providing information about the patient for whom the test is being ordered (para. 38 & para. 39 of Schurenberg);

Art Unit: 3626

a step for transmitting billing information from the central computer to the client computer, thereby providing information about a party responsible for payment of the test being ordered for the identified patient (para. 19 & para. 5 of Schurenberg); and

a step for transmitting a patient diagnosis from the central computer to the client computer, thereby providing at least one diagnosis for the identified patient (para. 20 of Schurenberg).

(T) Referring to claim 20, Schurenberg discloses in a computer network including a client computer and a central computer, a method of providing results of a laboratory test of a biological specimen for patients comprising (abstract & Fig. 2 of Schurenberg):

a step for receiving at the central computer laboratory test results (para. 2 of Schurenberg);

a step for receiving at the central computer a request from the client computer for laboratory test results and an identification of a patient or group of patients (para. 20 & para. 30 of Schurenberg; the Examiner interprets "specifying the desired lab tests" to be a form of "request"); and

a step for transmitting to the client computer the laboratory test results (para. 40 of Schurenberg).

(U) Referring to claim 21, Schurenberg discloses said receiving step comprising a step for receiving an identification of a group of patients based on patient sex, a laboratory test, a time period, patient age, and combinations thereof (Fig. 10, para. 112, and para. 281 of Schurenberg).

Art Unit: 3626

(V) Referring to claim 22, Schurenberg discloses said transmitting step comprising a step for transmitting a cumulative report of laboratory test results for a patient, said receiving step comprising a step for receiving an identification of a patient and a number of reports to be transmitted in the cumulative report (para. 281 of Schurenberg).

(W) Referring to claim 23, Schurenberg discloses in a computer network including a client computer and a central computer, a method of obtaining results of a laboratory test of a biological specimen for patients comprising (abstract & Fig. 2 of Schurenberg):

a step for transmitting to the central computer a request from the client computer for laboratory test results and an identification of a patient or group of patients (para. 20 & para. 30 of Schurenberg); and

a step for receiving from the central computer the laboratory test results (para. 40 of Schurenberg).

(X) Referring to claim 24, Schurenberg discloses said transmitting step comprising a step for transmitting an identification of a group of patients based on patient sex, a laboratory test, a time period, patient age, and combinations thereof (Fig. 10, para. 112, and para. 281 of Schurenberg).

(Y) Referring to claim 25, Schurenberg discloses said receiving step comprising a step for receiving a cumulative report of laboratory test results for a patient, said transmitting step comprising a step for transmitting an identification of a patient and a number of reports to be received in the cumulative report (para. 281 of Schurenberg).

Art Unit: 3626

(Z) Referring to claim 26, Schurenberg discloses in a computer network including a client computer and a central computer, a method of receiving an order of a laboratory test of a biological specimen for a patient comprising the steps of (abstract & Fig. 2 of Schurenberg):

receiving, at the central computer, at least one query transmitted through the network from the client computer, the at least one query including a laboratory test request and patient, billing, and diagnosis information corresponding to the requested laboratory test (abstract, Fig. 14, and para. 96 of Schurenberg; the Examiner interprets "requisition" to be a form of "request"); and transmitting information through the network from the central computer to the client computer, the information including data for generating a test requisition and a label for use with the biological specimen (para. 4, lines 12-16 and para. 55 of Schurenberg).

(AA) Referring to claim 27, Schurenberg discloses further comprising the step of analyzing the at least one query at the central computer to verify that the requested laboratory test is payable by a responsible party identified in the billing information (para. 623 & para. 404 of Schurenberg; the Examiner interprets "guarantor" to be a form of "responsible party").

(BB) Referring to claim 28, Schurenberg discloses wherein said receiving step comprises receiving a diagnosis code and a laboratory test code as part of the at least one query and said analyzing step comprises searching a code database for correspondence between the diagnosis code and the laboratory test code (para. 20, para. 204, and para. 206 of Schurenberg).

Art Unit: 3626

(CC) Referring to claim 29, Schurenberg discloses wherein said analyzing step comprises comparing the identified diagnosis and the requested laboratory test to a maximum value to determine whether a maximum number of tests has been exceeded for the identified diagnosis (see table at bottom of page 25 of Schurenberg).

(DD) Referring to claim 30, Schurenberg discloses further comprising the step of transmitting a notification through the network from the central computer to the client computer if the requested laboratory test is not payable by the identified responsible party for the identified diagnosis (para. 173 of Schurenberg; the Examiner interprets "statement" to be a form of "notification").

(EE) Referring to claim 31, Schurenberg discloses further comprising the step of requesting an indication that the patient is responsible for payment in response to the notification (para. 367, para. 368, and para. 404 of Schurenberg).

(FF) Referring to claim 32, Schurenberg discloses further comprising the step of transmitting a request for additional diagnosis information through the network from the central computer to the client computer if the requested laboratory test is not payable by the identified responsible party for the identified diagnosis (para. 173 of Schurenberg; the Examiner interprets "prompts the user to answer questions" to be a form of "a request for additional diagnosis information").

(GG) Referring to claim 33, Schurenberg discloses further comprising the step of transmitting a request through the network from the central computer to the client computer for additional information if ask-at-order-entry questions are required for the requested laboratory test (para. 127 of Schurenberg).

Art Unit: 3626

(HH) Referring to claim 34, Schurenberg discloses said receiving step comprising:

receiving a patient identification at the central computer in the at least one query from the client computer, thereby obtaining information about the patient for whom the test is being ordered (para. 30 of Schurenberg);

receiving billing information at the central computer in the at least one query from the client computer, thereby obtaining information about a party responsible for payment of the test being ordered for the identified patient (para. 19 of Schurenberg); and

receiving a patient diagnosis at the central computer in the at least one query from the client computer, thereby obtaining at least one diagnosis for the identified patient (para. 20 of Schurenberg).

(II) Referring to claim 35, Schurenberg discloses in a computer network including a client computer and a central computer, a method of ordering a laboratory test of a biological specimen for a patient comprising the steps of (Fig. 2 and abstract, lines 1-5 of Schurenberg):

transmitting at least one query through the network from the client computer to the central computer, the at least one query including a laboratory test request and patient, billing, and diagnosis information corresponding to the requested laboratory test (abstract of Schurenberg); and

receiving information through the network from the central computer, the received information including data for generating a test requisition and a label

Art Unit: 3626

for use with the biological specimen (para. 507 and para. 55; the Examiner interprets “add...lab test requisitions” to be a form of “generating”).

(JJ) Referring to claim 36, Schurenberg discloses further comprising the step of receiving a notification through the network from the central computer if the requested laboratory test is not payable by a responsible party identified in the billing information for the identified diagnosis (para. 173 of Schurenberg).

(KK) Referring to claim 37, Schurenberg discloses further comprising the step of receiving, at the client computer, information including an acknowledgement by the patient that the client is responsible for payment in response to the notification (para. 173 of Schurenberg; the Examiner interprets “signing” to be a form of “acknowledgement”).

(LL) Referring to claim 38, Schurenberg discloses further comprising the step of transmitting additional diagnosis information from the client computer to the central computer through the network if the requested laboratory test is not payable by the identified responsible party for the identified diagnosis (para. 173 of Schurenberg).

(MM) Referring to claim 39, Schurenberg discloses further comprising the step of transmitting additional information from the client computer to the central computer through the network if ask-at-order-entry questions are required for the requested laboratory test (para. 127 of Schurenberg).

(NN) Claim 40 repeats the same limitations of claim 15, and is therefore rejected for the same reasons given for that claim.

Art Unit: 3626

(OO) Claim 41 repeats the same limitations of claim 17, and is therefore rejected for the same reasons given for that claim.

(PP) Claim 42 repeats the same limitations of claim 19, and is therefore rejected for the same reasons given for that claim.

(QQ) Referring to claim 43, Schurenberg discloses in a computer network including a client computer and a central computer, a method of providing results of a laboratory test of a biological specimen for patients comprising the steps of (abstract and Fig. 2 of Schurenberg):

- receiving at the central computer laboratory test results (para. 2 of Schurenberg);

- receiving at the central computer via the network, a request from the client computer for laboratory test results and an identification of a patient or group of patients (para. 20 of Schurenberg); and

- transmitting the laboratory test results from the central computer to the client computer through the network responsive to the received identification (para. 40 of Schurenberg).

(RR) Claims 44-48 repeat the same limitations of claims 21-25, and are therefore rejected for the same reasons given for those claims.

(SS) Referring to claim 49, Schurenberg discloses an apparatus for receiving an order of a laboratory test of a biological specimen for a patient comprising:

- at least one client computer;

- a central computer coupled to exchange data with the at least one client computer;

Art Unit: 3626

means for receiving, at the central computer, at least one query transmitted from the client computer, the at least one query including a laboratory test request and patient, billing, and diagnosis information corresponding to the requested laboratory test; and

means for transmitting information from the central computer to the client computer, the information including data for generating a test requisition and a label for use with the biological specimen (abstract, Fig. 2, para. 650, para. 96, Fig. 14, para. 4, lines 12-16, and para. 55 of Schurenberg).

(TT) Apparatus claim 50 repeats the subject matter of claim 35 as a set of “means-plus-function” elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Schurenberg in the above rejection of claim 35, it is readily apparent that the Schurenberg reference includes an apparatus to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 35 and incorporated herein.

(UU) Referring to claim 51, Schurenberg discloses an apparatus for ordering a laboratory test of a biological specimen for a patient comprising:

at least one client computer;

a central computer coupled to exchange data with the at least one client computer;

means for transmitting at least one query from the client computer to the

Art Unit: 3626

central computer, the at least one query including a laboratory test request and patient, billing, and diagnosis information corresponding to the requested laboratory test; and

means, at the at least one client computer for receiving information from the central computer, the received information including data for generating a test requisition and a label for use with the biological specimen (abstract, Fig. 2, para. 650, para. 55, and para. 507 of Schurenberg).

(VV) Apparatus claims 52-55 repeat the subject matter of claims 15-18 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Schurenberg in the above rejections of claims 15-18, it is readily apparent that the Schurenberg reference includes an apparatus to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejections of claims 15-18 and incorporated herein.

(WW) Referring to claim 56, Schurenberg discloses an apparatus for providing results of a laboratory test of a biological specimen for patients comprising:

at least one client computer;

a central computer coupled to exchange data with the at least one client computer (Fig. 2, abstract, and para. 37 of Schurenberg);

means for receiving laboratory test results at the central computer (para. 2 of Schurenberg);

Art Unit: 3626

means for receiving a request from the client computer for laboratory test results and an identification of a patient or group of patients at the central computer (para. 20 & para. 30 of Schurenberg); and

means for transmitting the laboratory test results from the central computer to the client computer responsive to the received identification (para. 38 of Schurenberg).

(XX) Apparatus claim 57 repeats the subject matter of claim 22 as a set of "means-plus-function" elements rather than a series of steps. As the underlying process has been shown to be fully disclosed by the teachings of Schurenberg in the above rejection of claim 22, it is readily apparent that the Schurenberg reference includes an apparatus to perform the recited functions. As such, these limitations are rejected for the same reasons provided in the rejection of claim 22 and incorporated herein.

(YY) Referring to claim 58, Schurenberg discloses an apparatus for obtaining results of a laboratory test of a biological specimen for patients comprising:

at least one client computer;

a central computer coupled to exchange data with the at least one client computer (Fig. 2, abstract, and para. 37 of Schurenberg);

means for transmitting a request from the at least one client computer to the central computer for laboratory test results and an identification of a patient or group of patients (para. 20 and para. 30 of Schurenberg); and

means for receiving the laboratory test results from the central computer (para. 40 of Schurenberg).

Art Unit: 3626

(ZZ) Referring to claim 59, Schurenberg discloses wherein said receiving means comprises means for receiving a cumulative report of laboratory test results for a patient, said means for transmitting comprises transmitting an identification of a patient and a number of reports to be received in the cumulative report (para. 281 of Schurenberg).

(AAA) Claims 60-65 differ from claims 26-27, 32, 35, 43, and 46 by reciting "a computer readable medium" and "computer program instructions" within its preamble. As per these elements, Schurenberg's system includes a computer system that utilizes one or more databases (para. 36 & para. 43 of Schurenberg). As such, it is readily apparent that Schurenberg's system includes a computer-readable medium and computer program instructions.

The remainder of claims 60-65 repeat the same limitations of claims 26-27, 32, 35, 43, and 46, and are therefore rejected for the same reasons given above for claims 26-27, 32, 35, 43, and 46, and incorporated herein.

Conclusion


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied prior art teaches a networked expert system for the automated evaluation and quality control of medical point of care laboratory measuring data (US-2002/0116224 A1); an integrated system and method for ordering and cumulative results reporting of medical tests (6,018,713); and a system and method for implementing a global master patient index (US-2002/0007284 A1).


Art Unit: 3626

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lena Najarian whose telephone number is (703) 305-0260. The examiner can normally be reached on Monday - Friday, 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on (703) 305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Ln
1-31-05


JOSEPH THOMAS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600